

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**AGREED ORDER MODIFYING AUTOMATIC STAY (DOC. 127)**

3. If Fortune does not foreclose on December 7, 2010, then it may post the Property for a foreclosure sale to be held on January 4, 2011, or such later month as Fortune deems appropriate in its sole discretion.

The Court has carefully considered the agreement of the parties and is of the opinion that it should be approved. Therefore, it is

ORDERED that the automatic stay be and is hereby modified as set forth in paragraphs 1 through 3 above.

DATED:

OCT 26 2010



UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND SUBSTANCE

HOOVER SLOVACEK LLP

By: /s/ Edward L. Rothberg  
EDWARD L. ROTHBERG  
State Bar No. 17313990  
MELISSA A. HASELDEN  
State Bar No. 00794778  
ANNIE E. CATMULL  
State Bar No. 00794932  
5847 San Felipe, Suite 2200  
Houston, Texas 77057  
Telephone: (713) 977-8686  
Facsimile: (713) 977-5395

ATTORNEYS FOR FORTUNE LENDING CORP.

PORTER & HEDGES

By: /s/ Elizabeth Freeman  
Elizabeth Freeman  
State Bar No. 24009222  
1000 Main Street  
Houston, Texas 77002  
Telephone: (713) 226-6631  
Facsimile: (713) 562-5251

ATTORNEYS FOR DEBTOR

Exhibit "A"

**TRACT 1:**

**BEING** a 152.586 acre tract situated in the Elijah Roark League Survey, Abstract 77, Fort Bend County, Texas same being Tract 11A of Olympia Estates. Said 152.586 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (nad83):

**BEGINNING** at a 5/8-inch iron rod with cap stamped "COTTON" found for the intersection of the northwest line of a 80-foot wide H L & P Fee Strip recorded in Volume 495, Page 659, Fort Bend County Deed Records (FBCDR) and the east boundary line of Olympia Estates;

**THENCE**, South 19° 38' 12" West, 2339.12 feet along said northwest line of the 80-foot wide H L & P Fee Strip to the centerline of a Proposed 80-foot wide Collector Road;

**THENCE**, along the centerline of said Collector Road, **THE FOLLOWING:**

273.94 feet along the arc of a curve to the left, having a radius of 800.00 feet, a central angle of 19° 37' 11" and chord which bears North 23° 17' 47" West, 272.61 feet to a point of tangency;

North 33° 06' 22" West, 519.69 feet to a point of curvature;

1008.22 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 28° 44' 23" and a chord which bears North 18° 44' 11" West, 997.68 feet to a point of tangency;

North 04° 21' 59" West, 330.66 feet to a point of curvature;

708.67 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 20° 12' 03" and a chord which bears North 05° 44' 02" East, 705.00 feet to a point of tangency,

North 15° 50' 03" East, 178.96 feet to a point of curvature;

687.32 feet along the arc of a curve to left, having a radius of 1190.00 feet, a central angle of 33° 05' 34", and a chord which bears North 00° 42' 43" West, 677.80 feet to a point of tangency;

North 17° 15' 30" West, 130.28 feet to a point of curvature;

Exhibit "A" (continued)

890.16 feet along the arc of a curve to the right, having a radius of 3010.00 feet, a central angle of  $16^{\circ} 58' 39''$  and a chord which bears North  $08^{\circ} 47' 10''$  West, 886.92 feet to a point of tangency;

North  $00^{\circ} 18' 51''$  West, 793.93 feet to a point for corner in the north line of Senior Road (variable width Roadway Easement) as recorded in Volume 446, Page 42 and Volume 446, Page 49 FBCDR;

THENCE, South  $89^{\circ} 54' 41''$  East, 1606.62 feet to the east boundary line of Olympia Estates;

THENCE, South  $00^{\circ} 17' 18''$  West, 3100.93 feet to the POINT OF BEGINNING and containing a computed area of 152.586 acres (6,646,629 square feet) of land.

**TRACT 2:**

BEING a 116.302 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 116.302 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NA083):

BEGINNING at a  $\frac{1}{2}$ -inch iron rod set for the southwest corner of said 116.302 acre tract, some also being east R.O.W. corner of a Proposed Fort Bend County Toll Road with a variable R.O.W. width;

THENCE, Northwesterly, along west property line; same also being the east R.O.W. line of said Proposed Fort Bend County Toll Road, with a curve to the left, having a radius of 5,879.60 feet, an arc length of 4,992.03' a chord bearing of N  $00^{\circ} 20' 03''$  W, and a chord length of 4752.91' to a point of tangency,

THENCE, N  $24^{\circ} 10' 28''$  W, continuing along west property line, a distance of 807.08 feet to an angle point;

THENCE, N  $11^{\circ} 34' 52''$  W, continuing along west property line, a distance of 68.96 feet to a point of curvature;

THENCE, Northwesterly, continuing along west property line, with a curve to the left, having a radius of 1,453.39 feet, an arc length of 319.45', a chord bearing of N  $17^{\circ} 52' 40''$  W, a chord length of 318.81 feet to a point of tangency;

THENCE, N  $24^{\circ} 10' 28''$  W, continuing along west property line, a distance of 289.05 feet to an angle point;

THENCE N  $23^{\circ} 37' 13''$  W, continuing along west property line, a distance of 106.91 feet to an angle point,

Exhibit "A" (continued)

THENCE, N 38° 55' 39" E, continuing along west property line, a distance of 61.27 feet to an angle point

THENCE, N 00° 04' 56" E, continuing along west property line, a distance of 98.12 feet to an angle point

THENCE, N 89° 55' 04" W, continuing along west property line, a distance of 16.22 feet to an angle point

THENCE, N 53° 23' 49" W, continuing along west property line, a distance of 9.98 feet to an point marking the northwest corner and north property line of said 116.302 acre tract;

THENCE, S 89° 54' 41" E, along north property line, a distance of 1,300.91 feet to an angle point marking the northeast corner of said 116.302 acre tract;

THENCE, S 00° 18' 51" E, along east property line, a distance of 793.93 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the left, having a radius of 3,010.00 feet, an arc length of 890.16', a chord bearing of S 08° 47' 10" E and a chord length of 886.92 feet to a point of tangency;

THENCE, S 17° 15' 30" E, continuing along east property line, a distance of 130.28 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,190.00 feet, an arc length of 687.32', a chord bearing of S 00° 42' 43" E, and a chord length of 677.80 feet to a point of tangency

THENCE, S 15° 50' 03" W, continuing along east property line, a distance of 178.96 feet to a point of curvature;

THENCE, Southwesterly, continuing along east property line, with a curve to the right, having a radius of 2010.00 feet, and an arc length of 708.66 feet, a chord bearing of S 05° 44' 02" W, a chord length of 705.00 feet to a point of tangency,

THENCE, S 04° 21' 59" E, continuing along east property line, a distance of 330.66 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the left, having a radius of 2010.00 feet, and an arc length of 1008.22 feet, a chord bearing of S 18° 44' 11" E, a chord length of 997.68 feet to a point of tangency;

THENCE, S 33° 06' 22" E, continuing along east property line, a distance of 519.69 feet to a point of curvature;

Exhibit "A" (continued)

THENCE, Southeasterly, continuing along the east property line, with a curve to the right, having a radius of 800.00 feet, and an arc length of 273.94 feet, a chord bearing of S 23° 17' 47" E, a chord length of 272.71 feet to an angle point;

THENCE, S 19° 38' 12" W, along the east property line, a distance of 1188.58 feet to an angle point marking the southeast corner of said 116.302 acre tract;

THENCE, S 89° 06' 43" W, along the south property line, a distance of 267.43 feet to a point of curvature;

THENCE, Westerly, continuing along the south property line, with a curve to the left, having a radius of 17130.73 feet, and an arc length of 118.10 feet, a chord bearing of S 89° 18' 33" W, a chord length of 118.10 feet to a point of tangency;

THENCE, S 89° 30' 22" W, continuing along south property line, a distance of 40.75 feet to an angle point;

THENCE, N 86° 20' 48" W, continuing along south property line, a distance of 401.05 feet to an angle point;

THENCE, N 82° 48' 17" W, continuing along south property line, a distance of 276.38 feet to the POINT BEGINNING and containing 116.302 acres and 5,066,122.07 square feet;

**TRACT 3:**

Of 38.4163 Acres or 1,673,415 Square Feet of land being part of the remainder of that certain 80 Acre tract of land, conveyed to HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.), lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort Bend County, Texas, said 38.4163 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the North Right-of-Way of Trammel - Fresno Road, (A Variable Width Right-of-Way as monument and occupied), at the Southwest corner of that certain 981.03 Acre tract of land conveyed to TEAL RUN, LTD & TEAL RUN No. 2, LTD by a deed recorded under Volume 1923, Page 988, F.B.C.D.R, from which a 5/8 Inch Iron rod with a Cotton Cap found North, 1.98 feet, and West, 0.39 feet;

THENCE South 84 deg. 17 min. 58 sec. West, along the North Right-of-Way of said Trammel - Fresno Road, a distance of 380.11 feet to a point for corner, from which a 5/8 Inch iron rod was found North, 0.16 feet, and East, 0.14 feet;

THENCE South 89 deg. 08 min. 32 sec. West, along the North Right-of-Way of said Trammel Fresno Road, a distance of 711.97 feet to a 5/8 inch iron rod found at a point for corner at the Southeast corner of that certain 6.269 Acre tract of land conveyed to HOUSTON LIGHTING AND POWER Co. by a deed recorded under Volume 495, Page 659, F.B.C.D.R.;

THENCE North 19 deg. 38 min. 12 sec. East, along the Southeast line of said 6.269 Acre tract of land, a distance of 3289.89 feet to a point for corner, from which a 5/8 Inch Iron rod with a Cotton Cap was found North, 0.08 feet;

Exhibit "A" (continued)

THENCE South 00 deg. 17 min. 18 sec. West, along the West line of said 961.03 Acre tract of land, a distance of 3049.90 feet to the POINT OF BEGINNING, containing within these calls 38.4163 Acres or 1,673,416 Square Feet of land as depicted on sheet 4 of 4 of a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20, 2000, revised February 13, 2001, and June 28, 2001.

**TRACT 4:**

BEING a 88.1380 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 88.1380 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD83):

BEGINNING at a ½-inch Iron rod set for the southwest corner of said 88.1380 acre tract;

THENCE, North, along west property line, a distance of 747.53 feet to an angle point;

THENCE N 00° 00' 04" W, continuing along west property line, a distance of 399.98 feet to an angle point;

THENCE, N 00° 00' 01" E, continuing along west property line, a distance of 3,095.34 feet to an angle point;

THENCE, N 00° 00' 01" E, continuing along west property line, a distance of 1,389.79 feet to a point of curvature set for corner, same also being east property line of said 88.1380 acre tract;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 87.07', and a chord bearing of S 33° 53' 10" E, and a chord length of 87.06 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 98.64', a chord bearing of S 35° 36' 09" E and a chord length of 99.44 feet to an angle point;

THENCE, S 23° 57' 22" E, continuing along east property line, a distance of 871.96 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 5,579.60 feet, an arc length of 4,878.69', a chord bearing of S 00° 45' 16" W and a chord length of 4664.89 feet to an angle point for the southeast corner of said 88.1380 acre tract

THENCE, S 62° 06' 03" W, along the south property line, a distance of 69.12 feet to an angle point;

Exhibit "A" (continued)

THENCE, S 81° 15' 24" W, continuing along the south property line, a distance of 321.85 feet to an angle point;

THENCE, S 86° 22' 13" W, continuing along south property line, a distance of 19.91 feet to the POINT OF BEGINNING and containing 88.1380 acres and 383,9290.95 square feet;

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2007 Oct 24 01:17 PM

2007132062

JH \$123.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS